

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above Amendments and the arguments set forth fully below. In the Office Action mailed October 8, 2004, Claims 1-22 have been rejected. In response, the applicants have submitted the following remarks and have amended Claims 1 and 16. Accordingly, Claims 1-22 are pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections Under 35 USC Section 101

Claims 1-22 have been rejected under 35 USC Section 101 because the claimed invention is directed to non-statutory subject matter. Particularly, it is asserted within the Office Action that Claims 1-22 do not recite any structure or functionality to suggest that a computer performs the recited claims. Therefore, the applicants have amended Claim 1 and Claim 16 to recite structure and functionality that suggests that a computer performs the recited claims. Accordingly, the applicants believe that Claim 1 and Claim 16 are in condition for allowance.

Claims 2-15 and 17-22 are dependent upon the independent Claims 1 and 16. As discussed above, the amended independent Claims 1 and 16 are allowable as directed to statutory subject matter. Accordingly, Claims 2-15 and 17-22 are also allowable to the independent upon allowable base claim.

Rejections Under 35 USC Section 103

Claims 1-22 have been rejected under 35 USC Section 103a as being unpatentable over U.S. Patent No. 5,065,315 to Garcia (hereinafter Garcia), in view of U.S. Patent No. 6,317,719 to Schrier et al (hereinafter Schrier). Specifically, within the Office Action it is stated that Garcia discloses a method of assessing patient flow through care units of a hospital comprising assigning an hourly cost to each care unit for each patient. The applicants respectfully disagree with this rejection.

Garcia teaches a scheduling and reporting system for hospital patients including a means for entering location data regarding each patient and physician orders for hospital services to be performed for each patient. The system also includes means for scheduling the ordered services for each patient and for reporting the schedule information to a common area in the vicinity of each patients location [Garcia, column 3, lines 4-11]. Garcia also teaches a method of scheduling patient services and recording patient data for a hospitalized patient [Garcia, Column 3, Lines 19-22].

Within the Office Action it is stated that Garcia does not teach building a model based upon collected data and hourly costs, and using the model to simulate the flow of patients through the hospital. While Garcia does indeed teach entering the data into the system being used by a billing program to bill the patient for all services and tests perform [Garcia, abstract], Garcia **does not** teach assigning an hourly cost to each care unit for each patient.

Schrier teaches systems and methods for processing data relating to the use of a drug by a patient that receives patient information and determines a dosage of the drug on the basis of the patient information [Schrier, abstract]. Schrier does not teach assigning an hourly cost to each care unit for each patient. Therefore, even if the references cited by the examiner in the office were combined, they would not teach a method of assessing patient flow through Care Units of a hospital comprising assigning an hourly cost to each care unit for each patient.

Furthermore, the applicants respectfully submit that the age of the cited references indicates a lack of some teaching or suggestion supporting the combination. Garcia was filed on October 24, 1989. Schrier has a filing date of November 10, 1998. Even with the benefit of a filing date that is nine years later than Garcia, Schrier still does not include some teaching or suggestion that art in each reference can and should be combined. In otherwords, there is no teaching or suggestion in either reference to make the combination made in the Office Action.

The amended Claim 1 is directed toward a method of assessing patient flow through care units of a hospital using a computer having a microprocessor, comprising collecting data regarding hospital statistics, assigning an hourly cost to each care unit for each patient, building a model based upon the collected data and hourly cost, and using the model to simulate the flow of patients through the hospital. As described above, neither Garcia, Schrier nor their combination teach assigning an hourly cost to each care unit for each patient. For at least these reasons, the independent Claim 1 is allowable over the teachings of Garcia, Schrier and their combination.

Claims 2-15 depend upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Garcia, Schrier and their combination. Accordingly, Claims 2-15 are also allowable as being dependant upon an allowable base claim.

The amended Claim 16 is directed to a computer system for modeling patient flow through care units of a hospital comprising a collection module configured to accept data regarding hospital statistics, and an assignment module configured to assign an hourly cost to each unit for each patient, a module configured to build a model of the flow of patients through the hospital and a simulation module configured to simulate the flow of patients through the hospital. As described above, neither Garcia, Schrier nor their combination teach an assignment module configured to assign an hourly cost to each unit for each patient. For at least these reasons, the independent Claim 16 is allowable over the teachings of Garcia, Schrier and their combination.

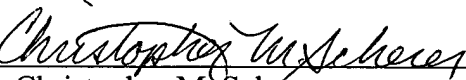
Claims 17 through 22 depend upon the independent Claim 16. As described above, the independent Claim 16 is allowable over the teachings of Garcia, Schrier and their combination. Accordingly, Claims 17 through 22 are also allowable as being dependent upon an allowable base claim.

Application No. 09/821,774
Amendment Dated: January 5, 2005
Reply to Office Action of: October 8, 2004

For these reasons, applicants respectfully submit that all the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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